

**REMARKS**

Claims 1-20 were examined and reported in the Office Action. Claims 1-20 are rejected. Claims 1-20 are canceled. New claims 21-40 are added. Claims 21-40 remain. Applicant notes that the references cited in an Information Disclosure Statement have been considered, but will not be listed until a separate listing form is submitted.

Applicant requests reconsideration of the application in view of the following remarks.

**I.      In the Drawings**

The Office Action states the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include reference characters not mentioned in the description; and further because of the use of certain incorrect hatching of the plastic components. Applicant has amended the specification and Figure 15 to overcome the reference numeral objections.

It is asserted in the Office Action that incorrect hatching is used for the plastic components. However, there are no details indicating why these hatchings are incorrect. Applicant notes that the hatching of the portions made of a plastics material in Figures 1, 4, 6 and 7 are distinguishable from other hatchings. As asserted by 37 CFR 1.84(h)(3) “[d]ifferent types of hatching should have different conventional meanings as regards the nature of a material seen in cross section.” Applicant asserts that the hatchings are consistent with material made of plastics. Approval is respectfully requested.

**II.      35 U.S.C. § 112**

It is asserted in the Office Action that claims 1, 8, 9, 10, 13 and 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has canceled claims 1, 8, 9, 10, 13 and 19.

It is asserted in the Office Action that the limitation “projection means” is objected to as no basis can be found for determining what the structure is. Applicant new claims 21 and 26 include the term “portion” in place of means.

Applicant's new claim 28 contains the limitations "wherein the ring is formed with a circular recess for the gasket, and the gasket is elastomeric."

Applicant's new claim 33 contains the limitations "the cone-shaped surface."

Applicant's new claim 36 contains the limitations of "the series of bores."

Applicant's new claim 37 contains the limitations of "the segments being held together by an elastic band." Applicant's new claim 39 contains the limitations of "the elastic band threaded therethrough."

Applicant asserts new claims 21, 26, 28, 29, 30, 33, 36 and 39 particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

### **III. 35 U.S.C. § 102(b) and 102(e)**

A. It is asserted in the Office Action that claims 1, 2, and 6 are rejected under 35 U.S.C. § 102(b), as being anticipated by U. S. Patent No. 3,861,722 issued to Kenyon ("Kenyon").  
Applicant has canceled claims 1, 2 and 6. Applicant shall address Kenyon regarding new claim 21.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's new claim 21 contains the limitations of

[a] pipe coupling for connecting a pipe to a counter-flange associated with another pipe in a sealed manner, wherein the pipe is formed with a circumferential groove, the coupling comprising a gasket, a mounting ring, and a mounting flange, wherein said mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

According to Applicant's claimed invention the pipe has a groove next to its end side to be coupled with the flanged element. The groove can hold a retaining ring, being a part of the flange adaptor assembly, sized in order to project from said groove. Said retaining ring generally is made of two semicircular sections or any other configuration which allows insertion and removal of the retaining ring relative to the groove. The flange adaptor assembly also is composed by an annular adaptor having a first portion of its profile cylindrical and slidably engageable with the pipe, a second portion of its profile being cylindrical with a greater diameter than the diameter of the first portion, and a third conical portion divergent towards the end side of the pipe. The cylindrical surface of second portion engages the retaining ring, held by the groove, while the conical surface of the third portion is formed to receive a gasket, being the last part of the flange adaptor assembly and used to avoid any fluid leakage during operation.

Kenyon discloses a flange adaptor assembly to secure the end of a pipe against a flanged element. It is to be understood that the retaining ring disclosed in 'Kenyon, made of two or more unbending bodies, cannot be compared with the ring of Applicant's claimed invention, which is, instead, elastically expandable and actually split to allow some spreading-open or flexing before clicking into the groove. Moreover, the annular adaptor slot profile of Kenyon cylindrically extends over the retaining ring, without exerting any radial force component (see Kenyon, col. 2 lines 1-3) such that only a low degree of sealing can be granted.

Further, Kenyon does not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Therefore, since Kenyon does not disclose, teach or suggest all of Applicant's new claim 21 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) can not be adequately set forth relative to Kenyon. Thus, Applicant's new claim 21 is not anticipated by Kenyon. Additionally, the claims that directly or indirectly depend on new claim 21, namely claims 22 and 26, are also not anticipated by Kenyon for the same reason.

**B.** It is asserted in the Office Action that claims 1, 3, and 6 are rejected under 35 U.S.C. § 102(b), as being anticipated by U. S. Patent No. 3,652,110 issued to Manton ("Manton"). Applicant has canceled claims 1, 3 and 6. Applicant shall address Manton regarding new claim 21.

Manton discloses a joint for connecting aligned pairs of pipes with flanges. Manton, however, does not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Therefore, since Manton does not disclose, teach or suggest all of Applicant's new claim 21 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) can not be adequately set forth relative to Manton. Thus, Applicant's new claim 21 is not anticipated by Manton. Additionally, the claims that directly or indirectly depend on new claim 21, namely claims 23 and 26, are also not anticipated by Manton for the same reason.

**C.** It is asserted in the Office Action that claims 1, 2, 6, 11, 12, 14, 15, and 20 are rejected under 35 U.S.C. § 102(e), as being anticipated by U. S. Patent No. 6,394,507 issued to Baker

(“Baker”). Applicant has canceled claims 1, 2, 6, 11, 12, 14, 15 and 20. Applicant shall address Baker regarding new claim 21.

Baker discloses a device for connecting tubular bodies with flange assemblies. Baker, however, does not teach, disclose or suggest Applicant’s new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Therefore, since Baker does not disclose, teach or suggest all of Applicant’s new claim 21 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) can not be adequately set forth relative to Baker. Thus, Applicant’s new claim 21 is not anticipated by Baker. Additionally, the claims that directly or indirectly depend on new claim 21, namely claims 22, 26, 31, 32, 34, 35 and 40, are also not anticipated by Baker for the same reason.

#### IV. 35 U.S.C. § 103(a)

A. It is asserted in the Office Action that claims 3 and 4 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 3,124,502 issued to Radke (“Radke”), or U. S. Patent 1,942,489 issued to Pfefferle (“Pfefferle”). Applicant has canceled claims 3 and 4. Applicant shall address Baker further in view of Radke or Pfefferle regarding new claim 21.

Applicant has addressed Baker regarding claim 21 in section III(C). As asserted above, Baker does not teach, disclose or suggest Applicant’s new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

According to MPEP §2142

[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” “*All words in a claim must be considered in judging the patentability of that claim against the prior art.*” (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Radke discloses annular stuffing box packings in different cuts. Pfefferle discloses gaskets that are formed as integral rings. Even if Baker is integrated with Radke or Pfefferle the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting therewith and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker, Radke, Pfefferle, and therefore, nor either combination of the two, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker in view of Radke or Pfefferle since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from claim 21, namely claims 23 and 24, would also not be obvious over Baker in view of Radke or Pfefferle for the same reason.

**B.** It is asserted in the Office Action that claim 5 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 5,779,285 issued to Robinson ("Robinson"). Applicant has canceled claim 5. Applicant shall address Baker further in view of Robinson regarding new claim 21.

Applicant has addressed Baker regarding claim 21 in section III(C).

Robinson discloses a coupling assembly for joining large diameter pipes, where the major components, except the gaskets, are made of high strength plastic material. Even if Baker is integrated with Robinson, however, the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker, Robinson, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker in view of Robinson since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly depends from claim 21, namely claim 25, would also not be obvious over Baker in view of Robinson for the same reason.

**C.** It is asserted in the Office Action that claim 7 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 3,381,983 issued to Hanes ("Hanes"). Applicant has canceled claim 7. Applicant shall address Baker further in view of Hanes regarding new claim 21.

Applicant has addressed Baker regarding claim 21 in section III(C).

Hanes discloses a tool joint includes a pin member that is receivable in a box member with a split lock ring that couples the members together. Even if Baker is integrated with Hanes, however, the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker, Hanes, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker in view of Hanes since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly depends from claim 21, namely claim 27, would also not be obvious over Baker in view of Hanes for the same reason.

**D.** It is asserted in the Office Action that claim 8 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 5,092,636 issued to Judge ("Judge"). Applicant has canceled claim 8. Applicant shall address Baker further in view of Judge regarding new claim 21.

Applicant has addressed Baker regarding claim 21 in section III(C).

Judge discloses a sealing ring where two members are sealed together with a sealing ring. Even if Baker is integrated with Judge, however, the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker, Judge, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker in view of Judge since a *prima facie* case of obviousness has not been met

under MPEP §2142. Additionally, the claim that directly depends from claim 21, namely claim 28, would also not be obvious over Baker in view of Judge for the same reason.

E. It is asserted in the Office Action that claim 9 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker and Judge and further in view of U. S. Patent 2,259,940 issued to Nathan ("Nathan"), or U. S. Patent 1,976,589 issued to Trickey ("Trickey"). Applicant has canceled claim 9. Applicant shall address Baker and Judge further in view of Nathan or Trickey regarding new claim 21.

Applicant has addressed Baker in view of Judge above in section IV(D).

Nathan discloses a pipe joint and gasket for telescoping pipe members. Trickey discloses a pipe joint that uses rubber as a gasket. Even if Baker and Judge are integrated with Nathan or Trickey the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker and Judge, Nathan, Trickey, and therefore, nor either combination of the three, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker and Judge in view of Nathan or Trickey since *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly or indirectly depends from claim 21, namely claim 29, would also not be obvious over Baker and Judge in view of Nathan or Trickey for the same reason.

F. It is asserted in the Office Action that claim 10 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, Judge, and Nathan, and further in view of U. S. Patent 4,488,741 issued to Conley et al ("Conley"). Applicant has canceled claim 10.

Applicant shall address Baker, Judge and Nathan in further in view of Conley regarding new claim 21.

Applicant has addressed Baker, Judge in view of Nathan above in section IV(E).

Conley discloses a valve having a seal with tabs. Even if Baker, Judge and Nathan are integrated with Conley the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker, Judge, Nathan, Conley, and therefore, nor combination of the four, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker, Judge and Nathan in view of Conley since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly or indirectly depends from claim 21, namely claim 30, would also not be obvious over Baker, Judge and Nathan in view of Conley for the same reason.

**G.** It is asserted in the Office Action that claim 13 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 3,284,112 issued to Martin ("Martin"). Applicant has canceled claim 13. Applicant shall address Baker further in view of Martin regarding new claim 21.

Applicant has addressed Baker regarding claim 21 in section III(C).

Martin discloses a pipe coupling including a shoulder 14 that prevents insert 2 from being pulled through bores 10. Even if Baker is integrated with Martin the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said

mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker, Martin, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker in view of Martin since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly or indirectly depend from claim 21, namely claim 33, would also not be obvious over Baker in view of Martin for the same reason.

**H.** It is asserted in the Office Action that claim 16 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 4,101,112 issued to Conners et al ("Conners"). Applicant has canceled claim 16. Applicant shall address Baker further in view of Conners regarding new claim 21.

Applicant has addressed Baker regarding claim 21 in section III(C).

Conners discloses a clamp for securing a wafer type butterfly valve to a coupling flange at the end of a pipe to form a dead end. Even if Baker is integrated with Conners the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting therewith and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker, Conners, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker in view of Conners since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly or indirectly depend from claim 21, namely claim 36, would also not be obvious over Baker in view of Conners for the same reason.

I. It is asserted in the Office Action that claim 17 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker, and further in view of U. S. Patent 2,779,610 issued to Risley ("Risley"). Applicant has canceled claim 17. Applicant shall address Baker further in view of Risley regarding new claim 21.

Applicant has addressed Baker regarding claim 21 in section III(C).

Risley discloses pipe couplings for connecting pipes in a flexible fluid-tight relationship. Even if Baker is integrated with Risley the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting therewith and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker, Risley, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker in view of Risley since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly or indirectly depend from claim 21, namely claim 37, would also not be obvious over Baker in view of Risley for the same reason.

J. It is asserted in the Office Action that claim 18 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker and Risley and further in view of U. S. Patent 1,984,806 issued to Pfefferle ("Pfefferle II"). Applicant has canceled claim 18. Applicant shall address Baker and Risley further in view of Pfefferle II regarding new claim 21.

Applicant has addressed Baker regarding claim 21 in section III(C).

Pfefferle II discloses a packing gasket for pipe joints. Even if Baker and Risley are integrated with Pfefferle II the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting therewith and holding the ring affixed to the pipe with said

mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker, Risley, Pfefferle II, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker and Risley in view of Pfefferle II since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly or indirectly depend from claim 21, namely claim 37, would also not be obvious over Baker and Risley in view of Pfefferle II for the same reason.

**K.** It is asserted in the Office Action that claim 19 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Baker and Pfefferle and further in view of Risley. Applicant has canceled claim 19. Applicant shall address Baker and Pfefferle further in view of Risley regarding new claim 21.

Applicant has addressed Baker regarding claim 21 in section III(C).

Pfefferle discloses gaskets that are formed as integral rings. Risley discloses pipe couplings for connecting pipes in a flexible fluid-tight relationship. Even if Baker, Pfefferle and Risley are integrated together, the resulting inventions would still not teach, disclose or suggest Applicant's new claim 21 limitations of

mounting ring has a cone-shaped outer surface and is elastically expandable and grips around the groove by projection portions fitting thereto and holding the ring affixed to the pipe with said mounting flange having a cone-shaped inner surface and being tightened against the ring, the gasket and the counter-flange.

Since neither Baker, Pfefferle, Risley, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's claim 21, as listed above, Applicant's claim 21 is not obvious over Baker, Pfefferle in view of Risley since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly or indirectly depend from claim 21, namely claim 39, would also not be obvious over Baker, Pfefferle in view of Risley for the same reason.

**CONCLUSION**

In view of the foregoing, it is submitted that claims 21-40 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

By:

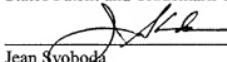
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Jean Svoboda Date